

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE SOLORZANO-MARTINE,

Defendant.

8:16CR204

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court upon the United States' Motion for Preliminary Order of Forfeiture (Filing No. 88). The Court has carefully reviewed the record in this case and finds as follows:

1. The Defendant Jose Solorzano-Martine has entered into a Plea Agreement (Filing No. 80), whereby he has agreed to plead guilty to Counts I and V and admits the Forfeiture Allegation of the Indictment. The Indictment charged Jose Solorzano-Martine with possession and conspiracy to distribute methamphetamine in violation of 21 U.S.C. § 846 and 18 U.S.C. §§ 922(g)(5)(A) and 924(a)(2). The Forfeiture Allegation of said Indictment sought the forfeiture, pursuant to 21 U.S.C. § 853, of all United States currency seized from Jose Solorzano-Martine on the basis it was used or was intended to be used to facilitate the controlled-substance violations alleged and/or was derived from proceeds obtained directly or indirectly as a result of the controlled-substance violation.

2. By virtue of his plea and admission, Jose Solorzano-Martine forfeits his interest in the \$8,500 in United States currency seized from him, and the United States should be entitled to possession of that currency, pursuant to 21 U.S.C. § 853.

3. The United States' Motion for Preliminary Order of Forfeiture should be granted.

IT IS ORDERED:

1. The United States' Motion for Preliminary Order of Forfeiture is hereby GRANTED.
2. Based upon the Forfeiture Allegation of the Indictment and Jose Solorzano-Martine's plea of guilty, the United States is hereby authorized to seize the \$8,500 in United States currency.
3. Jose Solorzano-Martine's interest in the \$8,500 in United States currency is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
4. The aforementioned currency is to be held by the United States in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the United States forthwith shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Order, notice of publication evidencing the United States' intent to dispose of the currency in such manner as the Attorney General may direct, and notice that any person, other than Jose Solorzano-Martine, having or claiming a legal interest in any of the subject currency must file a petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. The published notice shall state the petition referred to in Paragraph 5 above, shall be for a hearing to adjudicate the validity of the petitioner's interest in the currency, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in

the subject currency and any additional facts supporting the petitioner's claim and the relief sought.

7. The United States may also, to the extent practicable, provide direct written notice to any person known to have an interest in the currency subject to this Order as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

DATED this 5th day of January, 2017.

BY THE COURT:

s/ Robert F. Rossiter, Jr.
United States District Judge